

City of La Verkin

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La Verkin City Council Meeting Minutes

Wednesday, June 3, 2015 6:00 p.m.

Council Chambers, 111 S. Main, LaVerkin, Utah

Present: Mayor Kerry Gubler; Council-Members: Richard Hirschi, Ray Justice, Ken Hooten, Randy Reeve, and Chantelle Browning; Staff: Kyle Gubler, Derek Imlay, Kevin Bennett, Chief Ben Lee, and Christy Ballard; Public: Pedro Islas, Linda Prince, Hyrum Neizer, Robert & Adrienne Jahns, John Valenti, Blair Gubler, Lee from Davis Farmers Market, Kris & Kathleen Smedley, Sean Amodt, James Weeks, and Patricia Dekker.

Troylinn Benson has been excused and Councilman Reeve will be late.

A. Called to Order – Invocation and the Pledge of Allegiance was given by Adrienne Jahns at 6:00pm.

B. Recognition:

1. Mayor Gubler invited Lee, Kris and Kathleen from Davis Farmers Market to the front to give them a certificate of appreciation and thank them for donating the Founders Day breakfast.

C. Presentation:

1. Sean Amodt is the manager of Southwest Mosquito Abatement. He passed out a flyer and explained the Board consists of representatives from each municipality in the County. Their purpose is to get rid of mosquitos. La Verkin does very well with keeping their numbers down; however, there are several locations within the City limits that are monitored. Sean explained mosquito's habits and that mid-August to mid-September is the most dangerous time for La Verkin. He also explained the different treatments for removing mosquitos. There are 21 different species in the area. West Nile Virus is the main disease our mosquitos carry. There have been some positive tests for the virus but no human cases and nothing in La Verkin. Moving water is not a concern; standing water is so check your area. Mosquito larva needs only a cap full of water and three to seven days to mature.
2. Local Tax Option-Kyle passed out a copy of his power point. This presentation is about HB 362. This bill passed during the last legislation. The first part is the Gas Tax that will take effect on January 1, 2016. The current gas tax that is collected is 24.5 cents per gallon. In 2016 that will change from a set amount to a 12% tax on the statewide average rack price. The rack price is the wholesale price. Right now, the 12% equals a .05-cent increase. The floor is set at 2.49 per gallon wholesale and ceiling is 3.30 per gallon wholesale for this tax. The tax rate will be adjusted annually based on the previous year's average. In 2014, La Verkin received approximately \$137,000 in B&C Road Funds from the gas tax. The increase from this tax will be approximately \$25,000. The next budget year should see one or two payments. The second part of his presentation is information on the Local Option Sales Tax. This item was at the last legislative session but is not enforced at this point. Each County has the option of whether or not they would like to add this tax. This tax is one quarter of 1%. The break down is for every \$100 dollars sold, .25-cents would be the tax increase. Five cents would go to the County for transportation use, ten cents would go to the transit system if there is one, if not it would go to the County, ten cents would be divided between each city in the County. Based on our 2014 taxable sales and assuming all counties implement the tax, La Verkin would receive about \$39,642. Implementing this tax would require a citizen vote.

The County Commissioners are not sure about putting it on the upcoming ballot. They are getting pressure from the larger cities due to the lack of funds for streets.

The Legislatures would also like to see it on this upcoming ballot.

The Commissioners would like a resolution from each of the cities stating they support this issue being on the ballot. That is a decision the Councilmembers need to make. Kyle passed out a copy of a draft resolution from the League of Cities and Towns. Some changes can be made to it. It will be a countywide majority vote but the Commissioners will have record of who was in favor and who was not.

D. Consent Agenda: (Items on the consent agenda may not require discussion. These items will be a single motion unless removed at the request of the Mayor or City Council.)

1. Declarations of conflict of interest
2. Agenda
3. Minutes:
4. Review Invoices and Checks: \$86,186.67

Motion was made by Councilwoman Chantelle Browning to approve the consent agenda as written including the checks and invoices in the amount of \$86,186.67, second by Councilman Richard Hirschi. Roll Call Vote: Hooten-yes, Justice-yes, Hirschi-yes, Browning-yes. Motion carried unanimously.

E. Committee Reports:

1. Planning Commission-has not had a meeting.
2. Community Garden-One of the local youth centers helped with the weeding. Mayor Gubler and Councilman Hirschi changed the water system and they will be adding some tomatoes.
3. Water Board-The irrigation is back in the system.
4. Sewer Board- Blair reported Mike Chandler is the new Superintendent and will start June 15th. Darwin retires on July 1st. The fields have been cut and baled and are sold by the bale. Councilwoman Browning asked the status of the project by Brentwood.

Blair reported they are waiting on a pump for the Grandpa's pond project. The pump is at a factory in Ohio and is moving right along.

5. Fire District-The meeting is next week.

F. Citizen Comment & Request for Future Agenda Items:

Pedro Islas-The Police Chief and the Animal Control Officer came to his house. He does have dogs that he breeds but was unaware he needed a license to do that. He is here to find out what he needs to do to get a breeders license because he does have six plus dogs. He is in a residential zone.

Kevin explained kennels are not allowed in a residential zone. La Verkin allows three dogs over 6 months of age in a residential zone.

Pedro stated his dogs are also show dogs, he does attend dog shows in other states and has been doing that for over 15 years. He is willing to let the Animal Control Officer look around his home; his dogs are safe and well taken care of. He has documentation for his animals. If he can't get something worked out with the City he will have to move which he doesn't want to do.

The Animal Control Officer has been very nice to work with and he would like to do what he can to be legal.

Mayor Gubler explained there is nothing that can be done tonight, especially since the business is in a residential zone.

Councilman Randy Reeve arrived at 6:29pm

Kevin said Title 5 in our Code deals with Police Regulations including control of dogs, it provides for a kennel license. However, Title 10 deals with Zoning and it does not allow kennels in a residential zone, only in commercial and agriculture.

Councilwoman Browning asked what type of dogs Mr. Islas has.

Pedro replied they are an Exotic Bully he created the blood. He crossed an English bulldog and a French bulldog mix. He considers them a bulldog mix but they are not Pit bulls.

He is fully aware now that what he is doing is illegal and he wants to fix that so he will cut back on the number of dogs. He does have people ship their female dogs to him to breed with his male dog and that will put him over in number at times.

If he can't get this resolved he will move if he has to but he would like to work this issue out with the City.

He asked if he could have a month to shut everything down. He has six dogs total right now; two of them are under 6 months old. He would like time to get something figured out, this is the first time something like this has happened. He is willing to pay what he needs to if that will fix the problem.

His dogs are controlled and not running around. He gets along with his neighbors and they know his dogs are nice.

He likes this community and hopes he can get this issue taken care of.

Mayor Gubler explained currently kennels are not an allowed use in residential zones so unfortunately the only thing that can be done is to work with Chief Lee and get the situation taken care of within the next few weeks. The Council is not willing to re-do the ordinance at this time.

Pedro would like to avoid getting a citation. Three weeks from now, he can have everything settled.

Kevin stated La Verkin does have a fix it program for people that don't know what they are doing is illegal. After talking with Chief Lee they decided a fix it ticket would be issued to give the Mr. Islas the opportunity to make things right.

Mr. Islas clarified that he is able to have three of his own dogs at his house.

Chief replied yes, as long as they are licensed. He will get in touch with Mr. Islas.

Kevin stated if the dogs are under six months of age they do not count toward the three.

Robert Jahns-He did not know about the water restriction until his neighbor mentioned to his wife that she received a citation for watering outside the time. He looked at his water bill and couldn't find any information about it. He also went to a newsletter where he found a reference to it as a recommendation along with a reference to the City website. He then went to the website, looked all over for water restriction information, and could only find a best practice or best use that talk about no drips or leaks. He feels the 6pm-10am seems reasonable but wondered why the neighbor got a citation if there is no ordinance on water restrictions.

Mayor Gubler stated letters are sent out but we are not able to issue citations.

Mr. Jahns suggested placing the water information on the City service agreement in May or June when the warm weather gets here. He has had neighbors come and ask him about it.

He recommended the watering information become more of a public knowledge by using a variety of published information.

Mayor Gubler thanked him for that recommendation and mentioned the last several years have been dry so we have been trying to educate the citizens. The suggested watering time of 6pm-10am has been on the books, just not enforced. We will try to make it more public but we have not been issuing citations.

Kyle stated the watering times is a suggestion and is not enforceable at this time.

Kevin said it is called the Time of Day ordinance. In the past, there has been a letter from the Mayor along with the resolution or ordinance posted on the website.

Kyle said the information is on the website and Facebook.

Councilwoman Browning stated within the last several months it was also listed on the water bill.

G. Public Hearing:

1. FY 2015-2016 Budget

The public hearing opened at 6:47pm.

No comments were made.

The public hearing closed at 6:48pm.

H. Business:

1. Discussion and possible action to approve Resolution No. R-2015-05; A Resolution adopting the FY 2015-2016 Budget.

Mayor Gubler stated it was proposed to move an additional \$5,000 to Street Improvements from areas other than the Appropriation of Fund Balance and that was done.

Councilwoman Browning said she doesn't think the \$5,000 came out of the areas the Councilmembers directed it come from. It came from Council as directed and Miscellaneous as directed but she doesn't remember wanting money to come out of one street department and put into another street department. She does not want the money taken from Derek's budget.

Kyle remembers being directed to put an additional \$5,000 into Street Improvements from other areas except the Appropriation of Fund Balance and mentioned Street Repairs is different from Street Improvements.

He asked each director to find an additional \$500 for Street Improvements.

Councilman Reeve agreed with Councilwoman Browning.

Kyle said the Council said to find \$5,000 so he went through the budget and took money from different areas and asked Derek to find \$500 from his budget, Street Repairs is where he chose to take it.

Councilwoman Browning proposed not taking any money from Derek's budget and taking the last \$500 from Council Training and she won't go to training. She suggested only leaving the amount of money in the Council Training line for the members that will go to the training and put everything else into Street Improvement.

Councilman Hooten was fine with that proposal.

Councilman Hirschi feels the training is important for the councilmembers and the compromise that has been made and the addition money that has been placed into the street improvements is enough.

Councilman Justice mentioned Kyle has been extremely conservative on the estimates for the Transit Room Tax and addition revenues. That additional money can be used for the streets once we have received it. He feels if the proposed budget isn't passed over \$500 that is very short sighted.

Councilman Hirschi and Councilman Hooten agreed with Councilman Justice.

Councilwoman Browning stated it is not the \$500 but future budgets for the roads. The Council is in charge of the public safety and streets. With a City and budget this small, we need to prioritize and she feels Winterfest and Founders Day, while they are fun, are not as important as roads.

Councilman Hooten feels Founders Day is important but if moving \$500 will get the budget passed, he is okay with moving the money.

Councilman Justice commented he feels balance is important. The \$75,000 asked for in street improvements is there and those involved with putting together the budget have done a great job. He is ready to approve the budget.

Motion was made by Councilman Richard Hirschi to approve Resolution No. R-2015-05 adopting the FY 2015-2016 Budget, second by Councilman Ray Justice. Roll Call Vote: Browning-no, Hirschi-yes, Justice-yes, Hooten-yes, Reeve-no. Motion passes.

2. Discussion and possible action to give preliminary approval to the revised Sunset View Estates Development Agreement.

Kevin explained the City Council has already given preliminary approval for the agreement but there has been a change to the contractor. Staff has made sure the new contractor is qualified and properly licensed. The only change in the agreement is the name of the contractor on the signature page. Final approval will be given with the plat after the work has been completed. The entrance to the subdivision is 400 North and will be widened as part of the agreement. Kevin went over the changes that were approved earlier this year from the 2006 agreement.

Motion was made by Councilman Ken Hooten to give preliminary approval to the revised Sunset View Estates Development Agreement, second by Councilman Ray Justice. Browning-yes, Hirschi-yes, Justice-yes, Hooten-yes, Reeve-yes. Motion carried unanimously.

3. Discussion and possible action to approve the Prosecution Services Agreement with Mr. Jim Weeks, Attorney at Law.

Mayor Gubler introduced Jim Weeks and explained he will be replacing Marshall McConkie.

Mr. Weeks reported he has been an attorney since 1998, he was a public defender for seven years and has been a prosecutor for ten years.

Kevin explained Mr. Weeks has already been working with Mr. McConkie and is familiar with our cases. Mr. Weeks' agreement is the same as Mr. McConkies.

Motion was made by Councilman Ray Justice to approve the Prosecution Services Agreement with Mr. Jim Weeks Attorney at Law, second by Councilman Ken Hooten. Browning-yes, Hirschi-yes, Justice-yes, Hooten-yes, Reeve-yes. Motion carried unanimously.

4. Discussion and possible action to approve a Vehicle Agreement with Bradshaw Chevrolet for a public works truck.

Mayor Gubler explained the new truck will be Derek's and his will be passed down and either Luis or Kyle's truck will be given to the animal control.

Motion was made by Councilman Ken Hooten to approve the Vehicle Agreement with Bradshaw Chevrolet for a public works truck, second by Councilman Ray Justice. Roll Call Vote: Reeve-yes, Hooten-yes, Justice-yes, Hirschi-yes, Browning-yes. Motion carried unanimously.

5. Discussion and possible action to approve an Interlocal Cooperation Act Resolution and Agreement for the distribution of RAP Tax revenue.

Kyle said this allows the City to spend the money we receive from the RAP Tax.

Kevin explained this is a revised agreement. La Verkin did not receive the previous agreement that was passed. The revised agreement fixes an issue some of the cities who signed the agreement had with 501c3s being able to go to the city and get financing and cities have to go to the County Board to get permission on what they would like to spend their money on.

This agreement addresses the split like the original but clarifies 501c3s cannot get funding from cities and while they do have a County Board that are skilled in how to apply the law, cities do not have to utilize them.

Councilwoman Browning said there are some typos; she will get with Kevin to fix them.

Motion was made by Councilman Ray Justice to approve the Mayor's signature on the Interlocal Cooperation Act Resolution and Agreement for the distribution of RAP Tax revenue, second by Councilwoman Chantelle Browning.

Kevin explained documents need to be approved as is or as amended so if there are any typos that the Councilmembers find, please call him and he will correct them before the meeting.

The motion was to pass the agreement as written.

Roll Call Vote: Browning-yes, Hirschi-yes, Justice-yes, Hooten-yes, Reeve-yes. Motion carried unanimously.

I. Staff, Mayor & Council Reports:

City Administrator- Kyle Gubler

Kyle emailed his report to the Councilmembers.

The "L" was white washed by the fifth graders.

The deadline to declare candidacy is Monday, June 8th.

The budget amendment is ready and we did bring in enough revenue to pay our portion of the State Street Project so that money will not need to come out of next year's Street Fund, if the amendment passes.

Public Safety- Chief Ben Lee

Chief received a call from the State letting him know they did not have funds available for extra DUI shifts but the department was able to get five seat belt shifts.

The State Beer Tax Fund Grant for 2016 has been completed and Kyle will be submitting that. The additional funds the department has been able to receive has helped double the number of DUI arrests from last year.

Reminded everyone to make sure they get their animals and children out of their cars, especially now it's getting hot.

The number of accidents has gone down but we still need to stay cautious when driving on State Street.

Toquerville has the animal control agreement. We are waiting to hear from them.

Director of Operations-Derek Imlay

Derek passed out a copy of last month's irrigation usage and Interstate Rock's 3-week projection for the State Street Project.

The State Street Project is scheduled to be complete August 1st but they are about a month behind schedule.

The irrigation is back in the system.

Councilman Hooten asked if the drainage issue had been settled and if so, did it meet his satisfaction.

Derek replied Mayor Gubler and Kyle set up a meeting with UDOT and it was a positive meeting. Some solutions were discussed and once he gets the numbers figured out he will be bringing it to the Council.

Reeve-Nothing to report.

Hooten- Nothing to report.

Justice- Was not able to attend his Southern Utah Shooting Sports Park meeting. The Park is located out by Purgatory and has a variety of shooting ranges to use.

Hirschi-Nothing to report.

Browning-Beautification met, Dumpster Days for the rest of the year is July 17-18 and October 2-3. They discussed the Citizenship Award, if anyone has ideas for nominees get the names to Kyle.

Mayor Gubler said if anyone is in need of a service project, the "L" needs rocks placed around it to help hold it in place.

The roads are a major concern for the City and we are trying to firm ourselves up financially so that we can make major improvements toward them. Derek is getting numbers figured out for 300 West, it will take a little while but it will be a significant improvement.

He thanked everyone for his or her help and commented he appreciates the diversity.

J. Adjourn:

Motion was made by Councilman Ken Hooten to adjourn, second by Councilman Richard Hirschi. Browning-yes, Hirschi-yes, Justice-yes, Hooten-yes, Reeve-yes. Motion carried unanimously at 7:27pm.

Minutes were taken on behalf of the City Recorder by Christy Ballard.

June 17, 2015
Date Approved

ATTEST:

Kyle Gubler
Kyle Gubler
City Recorder

Mayor Kerry T. Gubler
Mayor Kerry T. Gubler

